

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

IN RE SUBPOENA OF GENENTECH, INC.

No. 3:15-mc-80109 (LB)

**ORDER TERMINATING  
GENENTECH'S MOTION TO QUASH  
AND RE: DISCOVERY  
PROCEDURES**

TO ALL PARTIES AND COUNSEL OF RECORD:

Enzo Biochem, Inc. and Enzo Diagnostics, Inc. (collectively, "Enzo") were sued by Roche Diagnostics GMBH and Roche Molecular Systems, Inc. (collectively, "Roche") in the United States District Court for the Southern District of New York. See Roche Diagnostics GMBH, et al. v. Enzo Biochem, Inc., et al., No. 04 Civ. 4046 (S.D.N.Y.). In relation to that action, Enzo served non-party Genentech, Inc. ("Genentech"), which is located in this district, with a subpoena that requires both deposition testimony and the production of documents. Genentech asks this court to quash the subpoena (to the extent that it was not already narrowed by Enzo's counsel during negotiations over its scope). Genentech has served Enzo and Roche with its motion and has noticed the motion for hearing on May 15, 2015.

Under the circumstances, and particularly given that counsel are communicating with each other, the court's view is that its joint letter brief process (set forth in the attached standing order) will provide a faster resolution of this dispute than will the five-week briefing schedule. That process requires that if a meet-and-confer by other means does not resolve the parties' dispute, lead counsel

1 for the parties must meet and confer in person if counsel are local and thereafter submit a joint letter  
2 brief to the court with information about any unresolved disputes. As for timing, the court directs  
3 the parties to meet and confer by Thursday, April 16, 2015. Genentech then must provide its portion  
4 of a draft joint letter brief to Enzo by Monday, April 20, 2015. Enzo then must provide its portion of  
5 the draft joint letter brief to Genentech by Friday, April 24, 2015. The parties may then finalize the  
6 joint letter brief and file it by 5:00 p.m. PDT on Monday, April 27, 2015. The joint letter brief must  
7 be filed on ECF under the Civil Events category of "Motions and Related Filings > Motions –  
8 General > Discovery Letter Brief." The court will look at the letter immediately and either set it for  
9 hearing or order the appropriate relief. In light of this procedure, the court terminates Genentech's  
10 motion within ECF for administrative purposes.

11 **IT IS SO ORDERED.**

12 Dated: April 9, 2015

  
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LAUREL BEELER  
United States Magistrate Judge